

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

VANESSA ARNOLD,

Plaintiff,

vs.

DEPUTY HAROLD “SKIP” CURTIS, a
Utah County Sheriff’s Deputy,

Defendant.

**ORDER and MEMORANDUM
DECISION**

Case No. 2:04-cv-564 CW

Now before the court is Defendant Harold “Skip” Curtis’s motion in limine to allow evidence that Mr. Castillo was purportedly¹ in the United States illegally. (Dkt. No. 218). That motion is DENIED. Mr. Castillo’s immigration status is irrelevant to the question of whether Mr. Curtis used excessive force or took actions shocking to the conscience against Ms. Arnold. Moreover, Ms. Arnold’s purported motivations for her actions are also irrelevant to the question, unless her motivations were known to Mr. Curtis at the time of the incident and were something that he actually took into account in his interaction with her. Yet Mr. Curtis does not contend that Mr. Castillo’s immigration status or Ms. Arnold’s knowledge thereof was something that factored into his actions in this case. For the same reasons, the court will also not allow evidence of any supposed outstanding arrest warrant against Mr. Castillo.

Mr. Curtis is hereby cautioned that if he, his witnesses or his counsel make an intentional reference, direct or indirect, to Mr. Castillo’s immigration status at trial, he risks a mistrial. He and/or his counsel also run the risk of sanctions, the nature of which will be determined by what

¹ Mr. Curtis’s motion is unsupported by any evidence of this allegation against Mr. Castillo.

occurs at trial.

SO ORDERED this 11th day of March, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge